

February 10, 2017

Federal Communications Commission
Media Bureau
445 12th Street, SW
Washington, DC 20554

To: Media Bureau

This letter should be considered an official reply to NewWave Communications' opposition of the must carry complaint filed against NewWave by David Ellington, owner of WHCQ-LD, as provided in the Commission's rules 76.7(c)(3).

I, David Ellington, received NewWave's opposition letter on February 1, 2017. Therefore, this reply has been timely filed within the 10 day window allowed by the Commission. Also, a certificate of service for this reply is shown in **Attachment #1**.

As stated in my original complaint, NewWave Communications failed to meet their 30 day deadline for a response to WHCQ-LD's must carry request letter received by NewWave on October 3, 2016 (**Attachment #2**) as stated in the Commission's rules 76.61(a)(2). As a matter of fact, I did not receive any response from NewWave Communications until I received their opposition to my complaint on February 1, 2017. Not only did they fail to abide by the 30 day requirement for the must carry response, they did not respond at all until nearly three months past the 30 day deadline on February 1, 2017. The only reason I received a response on February 1st was because I filed the instant complaint against them.

Clearly evident in the original must carry request letter received by NewWave on October 3, 2016, I listed all six of the LPTV must carry qualifications that WHCQ-LD met for carriage on the NewWave Leland, Mississippi cable system as stated in the Commission's rules 76.55(d)(1)-(6). Therefore, NewWave's opposition claim that I should have done an "analysis" of all six requirements in the complaint is totally incorrect. NewWave's lack of response to the original must carry request letter (**where I fully listed the six requirements for lptv carriage**) is the reason for the complaint being filed in the first place. If NewWave had any disagreement about the must carry qualifications of WHCQ-LD, they should have provided a written response to WHCQ-LD within the 30 day window required by the Commission's rules 76.61(a)(2).

Based on the facts that I have presented above, I really don't believe that WHCQ-LD should have to address any of NewWave's opposition claims. However, since I am confident that WHCQ-LD fully meets the must carry requirements as presented in the Commission's rules 76.55(d)(1)-(6), I will address the claims that NewWave presented in their opposition.

SIGNAL STRENGTH

NewWave's statement that "their tests confirmed WHCQ-LD failed to deliver a good quality signal" is false. NewWave stated in their opposition that the signal strength reading for WHCQ-LD was -40dBm. That signal level is well within the required level of -61dBm as stated by the Commission's rules 76.55(c)(3). Let it also be noted, that according to NewWave's signal test data, they used a consumer grade ChannelMaster antenna at only an elevation of 10 feet above ground for the signal test. Therefore, the signal strength issue that NewWave presents in their opposition has no validity at all. WHCQ-LD provides a signal of very good quality to the NewWave headend.

WXVT ?

A very important fact is glaringly absent from NewWave's assertion that WXVT nullifies WHCQ-LD's must carry status: **WXVT is no longer on the air.** The station is silent and has closed down its studio along with moving all CBS programming to an affiliated LPTV station in Grenada, Mississippi. Attached below (**Attachment #3**) is a picture showing the current lower third station id of the new CBS affiliate, WNBD-LD Grenada, MS. With the closing of WXVT, there is only one full power television station remaining in the entire Greenwood-Greenville, MS television market, WABG-TV, licensed to Greenwood, MS. Therefore, geographically, WHCQ-LD is the closest local television station in relation to the NewWave Leland, MS cable system at only 25 miles away. The Greenwood-Greenville, MS television market is extremely small and very underserved by the one and only full power television station currently on air. For nearly three decades, and now more than ever, WHCQ-LD has played a vital role in providing local programming to this underserved area of the Mississippi Delta.

LOCAL PROGRAMMING

As owner of WHCQ-LD, and a lifelong resident born and raised in the Mississippi Delta, I care deeply about the Delta region. Providing local Mississippi Delta programming is very important to me. Therefore, WHCQ-LD has provided generations of Delta residents with local news and informational programming covering all aspects of life in the Delta.

A large portion of local programming on WHCQ-LD includes Delta State University. WHCQ-LD is known locally as the unofficial "Delta State University television station." Delta State University is located in Cleveland, Mississippi and is the largest four year institution in the Mississippi Delta region where Leland, Mississippi is squarely located. WHCQ-LD has enjoyed a multi decade relationship with Delta State University whereby WHCQ-LD has provided the university with an outlet to air academic, social, athletic, and alumni events. As a result of WHCQ-LD's absence from NewWave's channel lineup, NewWave's Leland, MS cable subscribers are deprived of this important programming from their local university.

WHCQ-LD is very proud to provide local Mississippi Delta television programming in a unique way that the full power stations will not and cannot provide. We cover special local events in their entirety. Instead of a short 30 second clip of the local event on a full power television station's newscast, WHCQ-LD airs the entire event. Dedicating as much as 4 hours of program airtime to singular local events is not uncommon for WHCQ-LD. The special Mississippi Delta events that we cover can range from local museum grand openings to local Delta State University sporting events and everything in between. Please view **Attachment #4** for a small sample of the special local Mississippi Delta events and programs carried on WHCQ.

For decades, WHCQ-LD has taken great pride in providing very affordable airtime to local churches in Washington and Bolivar Counties. On Sunday mornings, as many as seven local church ministries air on WHCQ-LD. Many local churches have told us they are very thankful for our provision of affordable airtime, because otherwise it would be very difficult for them to have a television ministry to reach the local community. Please view **Attachment #5** for a complete list of all local religious programs currently airing on WHCQ-LD. Also, please see **Attachment #6** for some visual screenshots of local programs as they appeared on WHCQ-LD.

WHCQ-LD helps to boost the local economy by providing small local businesses affordable advertising rates that otherwise would be out of reach due to the higher rates demanded by full power stations. In many cases, WHCQ-LD will go the extra mile and waive the production charge for ad production in order to help local businesses advertise on WHCQ-LD. The local Delta region only succeeds if the local business community succeeds, so providing affordable advertising not regularly available on full power stations goes a long way in that regard.

CONCLUSION

Especially with the rising costs of cable programming, one would think that when a local cable operator has the opportunity to carry free programming that includes local news and informational events as provided by WHCQ-LD, the cable operator would consider that a "no brainer" decision and elect to carry the station. Therefore, NewWave's opposition to carrying WHCQ-LD is very puzzling. Nevertheless, NewWave's lack of required response to WHCQ's original must carry letter should be taken into strong consideration by the Commission. If NewWave really has a passionate opposition to WHCQ-LD, they should have initially made it known during the 30 day response window. I have presented solid facts that WHCQ-LD meets qualifications for must carry and ask the Commission to grant WHCQ-LD carriage on the NewWave Communications' cable system located in Leland, MS as presented in the original must carry request letter (Received by NewWave on October 3, 2016).

Sincerely,
David Ellington
Ellington Broadcasting

Attachment #1

CERTIFICATE OF SERVICE

I hereby certify that a copy of this reply has been sent to NewWave Communications Headquarters located at One Montgomery Plaza, 4th floor in Sikeston, Missouri. It was sent by USPS Certified Mail on February 10, 2017.

Signature : David Ellington

David Ellington

Attachment #2

Ellington Broadcasting

P.O. Box 617
Webb, MS 38966
Tel: 662-375-2654

September 28, 2016

NewWave Communications
General Manager
One Montgomery Plaza, 4th Floor
Sikeston, MO 63801

Dear Manager,

This letter should be considered a formal request for cable must-carry of low power television station WHCQ-LD Channel 9 broadcasting from Cleveland, Mississippi. As the owner of qualifying LPTV station WHCQ-LD, I request cable must-carry of WHCQ-LD on NewWave Communications Cable TV System serving Leland, Mississippi. Please note that this is our second attempt to reach NewWave Communications in Leland, MS by certified USPS. Our first certified mail attempt sent to your Leland office was returned on Sept. 26, 2016.

I further request that WHCQ-LD be carried on cable channel 8 which is the virtual channel for WHCQ-LD. WHCQ-LD qualifies for must-carry on the NewWave Communications system in Leland, MS, because it meets all of the FCC must-carry criteria listed under Title 47 of the Code of Federal Regulations listed below.

1. *WHCQ-LD broadcast 24 hours a day, 7 days a week from Cleveland, Mississippi. The city of license for WHCQ-LD is Cleveland, Mississippi.*
2. *WHCQ-LD meets all obligations and requirements applicable to full power television broadcast stations under part 73 of the Code of Federal Regulations with respect to nonentertainment programming; programming and rates involving political candidates, election issues, controversial issues of public importance, editorials, and personal attacks; programming for children; and equal employment opportunity. WHCQ-LD provides programming addressing local news and information needs not being adequately served by full-power television stations, because such full-power stations are distant from WHCQ-LD's community of license.*
3. *WHCQ-LD complies with interference regulations consistent with Part 74 of the Code of Federal Regulations.*
4. *WHCQ-LD is located no more than 35 miles from the cable system headend and delivers an over the air signal of good quality.*
5. *The community of license of WHCQ-LD and the franchise area of the cable system are both located outside of the largest 160 Metropolitan Statistical Areas.*
6. *There is no full power television broadcast station licensed to any community within the county served by the cable system.*

WHCQ-LD is the "My Network TV" affiliate serving the Mississippi Delta. I am sure your subscribers will appreciate having a new local station on their cable channel lineup. I look forward to hearing from you soon about this very important and serious matter.

Sincerely,

David Ellington
Owner, WHCQ-LD

Attachment #3

The lower third id graphic for WNBD-LD, the new CBS affiliate in Grenada, MS



Attachment #4

Below is a sample of the local Mississippi Delta region events and programs that have aired or are currently airing on WHCQ-LD:

Good News with Jan Glenn Brown – A 30 minute weekly local television program produced by WHCQ-LD that focuses on stories of good news in the Mississippi Delta.

Last Word with Aimee Robinette – A 30 minute weekly Mississippi Delta political talk show produced by WHCQ-LD in which host Aimee Robinette discusses local political topics with invited local political leaders.

Bolivar County Board of Supervisors Meetings

Greenwood, MS City Council Meetings

Sunflower County Board of Supervisors Meetings

Go Statesmen TV – A 30 minute weekly television program covering Delta State University Athletics

Delta State University Graduation Ceremony

Delta State University Presidential Inauguration Ceremony

Delta State University Fashion Show presented by the Fashion Merchandising students

Delta State University / Grammy Museum of Mississippi Groundbreaking Ceremony

Delta State University / Grammy Museum of Mississippi Grand Opening Ceremony

Delta State University Alumnus and Charles Schwabb CEO and President, Walt Bettinger, speaking at the Delta State University College of Business Lecture Series

Delta State University Robert E. Smith School of Nursing Scholarship Presentation

Delta State University Alumni Brunch Ceremony

Delta State University Football full game replays

Delta State University Basketball full game replays

FCC Commissioner Mignon Clyburn speaking at North Sunflower Medical Center in Ruleville, MS

US Rep. Bennie Thompson speaking at the Lamont, MS Sewer Project Dedication

C-Spire Wireless President & CEO, Hu Meena, speaking at North Sunflower Medical Center in Ruleville, MS

Attachment #4 (Continued)

Charlie Capps Day Parade – A Mississippi Delta celebration honoring Former State Representative Charlie Capps

BB King Homecoming Festival and Concert

Mississippi Delta Soldiers Memorial Day Program

Mississippi Delta Veterans Day Program

Amzie Moore House and Museum Grand Opening

Former Mississippi Governor speaking to Mississippi Delta employees of Faurecia Automotive, Inc.

Mississippi River Flood Meeting for Mississippi Delta residents affected by recent flooding.

Mississippi Delta Economic Procurement Program

Mississippi Delta Blaze Football game replays

The Mississippi Delta Summit Conference

Bolivar County Jury Service Forum

Mississippi Governor Phil Bryant's visit to North Sunflower County Medical Center

Coahoma Community College 4.0 Learning System Presentation

Coahoma Community College Christmas Concert

Cleveland, MS School District Consolidation Update Program

Rosedale, MS Courthouse Restoration Program

Greenwood, MS Inauguration of Mayor

Bolivar County Political Forum

Bell Elementary School Program

Head Start Graduation Ceremony

Coahoma Community College Presentation to Bolivar County Board of Supervisors

Coahoma Community College Coronation Ceremony

Bolivar County Correctional Facility Audit Presentation

Attachment #4 (Continued)

Chamber of Commerce Public Forum Program

Cleveland, MS Christmas Parade

Greenville, MS Christmas Parade

Greenwood, MS Christmas Parade

Clarksdale, MS Christmas Parade

Crosstie Arts & Crafts Festival

Octoberfest Festival

Sunflower River Blues & Gospel Festival

Cleveland, MS New Airport Dedication

Cleveland, MS Annexation Hearing

Attachment #5

Local Weekly Religious Programming on WHCQ-LD

New Morning Star Church of God in Christ – Cleveand, MS

ARM Outreach Ministries – Greenville, MS

Pastor Billy Wonders – Greenville, MS

Word of Deliverance Christian Love Center – Cleveland, MS

Lively Stone Church – Rosedale, MS

Dayspring with James Segars – Regional Church of Christ programming for Mississippi
Delta Churches of Christ

Elliott Baptist Church – Elliott, MS

Attachment #6



Mississippi Governor Phil Bryant Speaking at the Delta State University Presidential Inauguration as shown on WHCQ-LD



Good News with Jan Glenn Brown on location as shown on WHCQ-LD



The Last Word with Aimee Robinette in studio interviewing former Mississippi Governor Ronnie Musgrove as shown on WHCQ-LD



Delta State University President William LaForge speaking at the Grand Opening of the Amzie Moore House Museum in Cleveland, MS as shown on WHCQ-LD

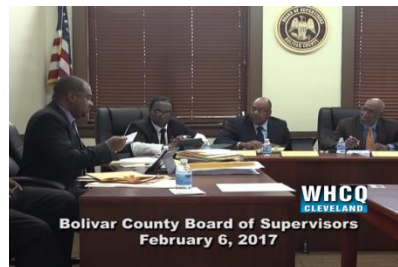
Attachment #6 (Continued)



Grammy Museum of Mississippi Grand Opening Ceremony on the campus of Delta State University as shown on WHCQ-LD



Bob Santelli, Executive Director of the GRAMMY Museum speaks at the Grand Opening of the GRAMMY Museum Mississippi as shown on WHCQ-LD



Bolivar County Board of Supervisors as shown on WHCQ-LD



Former Mississippi Governor Haley Barbour speaking to Faurecia Automotive Mississippi Delta employees as shown on WHCQ-LD

Attachment #6 (Continued)



Greenwood, MS City Council meetings as shown on WHCQ-LD



Charles Schwab CEO and President, Walt Bettinger, speaking during the Delta State University College of Business Lecture Series as shown on WHCQ-LD



Delta State University Fashion Show presented by the Fashion Merchandising students as shown on WHCQ-LD



Greenville, MS Christmas Parade as shown on WHCQ-LD

Attachment #6 (Continued)



Delta State University Football game replays as shown on WHCQ-LD



Cleveland, MS Christmas Parade as shown on WHCQ-LD



Chamber of Commerce forum concerning the consolidation of local public schools
as shown on WHCQ-LD



Delta State University President, William LaForge speaking at the DSU Presidential Inauguration
as shown on WHCQ-LD

Attachment #6 (Continued)



US Rep. Bennie Thompson speaking at the Lamont, MS Sewer Project Dedication
as shown on WHCQ-LD



FCC Commissioner Mignon Clyburn speaking
at the North Sunflower Medical Center in Ruleville, MS as shown on WHCQ-LD



Hu Meena, President & CEO, of C-Spire Wireless speaking
at the North Sunflower Medical Center in Ruleville, MS as shown on WHCQ-LD